

## Message Text

CONFIDENTIAL

PAGE 01 USBERL 01489 01 OF 02 221414Z  
ACTION EUR-12

INFO OCT-01 ISO-00 L-03 SY-05 MCT-01 PM-05 NSC-05  
SP-02 SS-15 CIAE-00 INR-10 NSAE-00 ACDA-12 TRSE-00  
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FM USMISSION USBERLIN  
TO AMEMBASSY BONN  
INFO SECSTATE WASHDC 7103  
AMEMBASSY LONDON  
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 1489

E.O. 11652: GDS  
TAGS: PGOV, BQG, AKB  
SUBJECT: ARMS FOR JUDGES, PROSECUTORS AND COURT-APPOINTED  
COUNSEL AT THE LORENZ TRIAL

REFS: (A) USBER 225, (B) STATE 131525, (C) WHITLOCK-SEMLER  
LETTER OF JUNE 9, (D) USBER 1249, (E) STATE 140426

SUMMARY: IN A DISCUSSION OF THIS QUESTION OF JUNE 20,  
FRENCH REPORTED THAT PARIS REMAINS OPPOSED TO THE ARMING  
OF THOSE INVOLVED IN THE LORENZ TRIAL AS A SPECIAL CATEGORY.  
BRITISH SAID THAT LONDON HAD AN OPEN MIND BUT FIRST WISHED  
TO ESTABLISH WHETHER ARMING THESE PERSONS WOULD REQUIRE EX-  
TENSIVE CHANGES IN BERLIN LEGISLATION. END SUMMARY.

1. ON JUNE 20, U.S. DEPUTY POLAD SEMLER AGAIN RAISED THE  
URGENT SUBJECT OF WHETHER THOSE PERSONS INVOLVED IN THE  
LORENZ TRIAL SHOULD BE PERMITTED TO BEAR ARMS ON AN EXCEP-  
TIONAL BASIS. U.S. DEPUTY POLAD ARGUED THAT THE ALLIES  
HAD BEEN EXAMINING THIS SUBJECT FOR SIX MONTHS. ONE COULD  
EXAMINE IT FOREVER WHICH AMOUNTED TO AN ALLIED DECISION THAT  
THESE PERSONS SHOULD NOT REPEAT NOT BE PERMITTED TO  
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PAGE 02 USBERL 01489 01 OF 02 221414Z

BEAR ARMS. U.S. DEPUTY POLAD EXPRESSED UNHAPPINESS  
AT THE SITUATION. IN 1974, WHEN THE QUESTION OF  
THE ARMING OF JUDGES HAD COME UP AFTER THE MURDER  
OF VON DRENCKMANN, THE ALLIES HAD REACHED A NEGATIVE  
CONCLUSION.

2. THE THE JUNE 20 DISCUSSION, THE USUAL POINTS WERE

MADE. FRENCH DEPUTY POLAD LASSUS SAID THAT IT WOULD BE VERY UNDESIRABLE IF POLICE PROTECTION FOR THESE PERSONS WERE LESSENED BECAUSE THEY WERE PERMITTED TO BEAR ARMS. ALL THREE DEPUTY POLADS IMMEDIATELY AGREED THAT THE QUESTION OF BEARING ARMS PRIVATELY WAS IN ADDITION TO THE POLICE PROTECTION; IT HAD NO BEARING ON THE LEVEL OF POLICE PROTECTION PROVIDED THESE PERSONS. BRITISH DEPUTY POLAD JAMES POINTED OUT THAT BY ADDING THE CATEGORY OF COURT-APPOINTED COUNSEL, THE NUMBER OF PERSONS CONCERNED HAD BEEN PERHAPS DOUBLED. HOWEVER, NO DEPUTY POLAD ARGUED THAT THE COURT-APPOINTED COUNSEL WERE IN LESS DANGER THAN THE PROSECUTORS OR JUDGES. IN FACT THE COURT-APPOINTED COUNSEL HAVE BEEN RAISED TO CATEGORY ONE OF THREATENED PERSONS IN BERLIN AND NOW RECEIVE MAXIMUM POLICE PROTECTION. (A TOTAL OF 134 PERSONS ARE BEING PROTECTED BY THE POLICE IN BERLIN.)

3. LASSUS SAID THAT THE QUAI D'ORSAY HAD STUDIED CAREFULLY THE POINTS MADE BY THE U.S. SIDE IN WASHINGTON, BUT CONTINUE TO FEEL THAT IT WAS NOT POSSIBLE TO ISOLATE THOSE INVOLVED IN THE LORENZ TRIAL FROM THE LARGER NUMBER OF PERSONS WHO ARE OR FEEL THEMSELVES THREATENED IN BERLIN. SEMLER ARGUED THAT THE ALLIES MUST EXPECT THAT AT TIMES THEY WILL HAVE TO MAKE DIFFICULT DECISIONS. WE FELT THAT WHILE WE COULD FACTOR IN GERMAN VIEWS AND PERSONAL VIEWS, WE WOULD HAVE CONFIDENTIAL

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PAGE 03 USBERL 01489 01 OF 02 221414Z

TO DECIDE OURSELVES WHETHER THIS PARTICULAR CLASS OF PERSONS WAS IN SUCH SUBSTANTIALLY GRATER DANGER THAN OTHER PERSONS IN BERLIN AS TO WARRENT SPECIAL TREATMENT. THIS WAS THE KIND OF DECISION THAT INDIVIDUALS IN A POSITION OF SOVEREIGNTY ARE CALLED UPON TO TAKE. SEMLER SAID THAT HE BELIEVED THAT ON THE U.S. SIDE, WE WERE CONVINCED THAT THE HANDFUL OF PERSONS WHO ARE SEEKING TO PUT A DANGEROUS GROUP OF TERRORISTS BEHIND BARS FOR A VERY LONG TIME ARE PARTICULARLY VULNERABLE TO TERRORIST THREAT. IT IS A REASONABLE ASSUMPTION THAT JUST AS THESE PERSONS ARE WORKING AROUND THE CLOCK TO INSURE THE SUCCESSFUL COMPLETION OF THE LORENZ TRIAL, SO ALSO ARE THOSE TERRORISTS STILL FREE FEVERISHLY THINKING HOW THEY CAN DISRUPT THAT TRIAL.

4. ANTOEHR POINT RAISED BY LASSUS WAS THAT THE "GERMANS" DID NOT SEEM TO BE PRESSING ON THE ISSUE. SEMLER THOUGHT THAT RAISING THE ISSUE IN THE BONN GROUP AND REMINDING THE ALLIES THERE THAT THE QUESTION IS OUTSTANDING AMOUNTED IN EFFECT TO A FORMAL REQUEST OF THE GERMANS TO REACH A DECISION ON THE ISSUE. LASSUS

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PAGE 01 USBERL 01489 02 OF 02 221422Z  
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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 1489

NOTED THAT GOVERNING MAYOR STOBBE HAD NOT RAISED THE  
MATTER RECENTLY WITH THE COMMANDANTS. SEMLER SUGGESTED  
THAT IF THERE WERE ANY DOUBT WHAT THE GERMANS WANTED  
US TO DO, THEN WE COULD ASK THE SENAT TO SEND A LETTER  
SIGNED BY GOVERNING MAYOR STOBBE WHICH WOULD BE AN  
OFFICIAL STATEMENT OF THE SEANT POSITION AS OPPOSED TO THE  
SEMI-FORMAL REQUEST OF JUSTICE SENATOR BAUMANN. JAMES ARGUED  
THAT BEFORE INSPIRING SUCH A LETTER, IT WOULD BE BETTER  
FOR THE ALLIES TO LOOK AT THE LEGISLATION IN FORCE TO  
SEE WHETHER WE COULD CONCEIVABLY ACCOMMODATE A FORMAL  
REQUEST PERMITTING THESE PERSONS TO BEAR ARMS.

5. DURING THE DISCUSSION, JAMES AND LASSUS AGAIN  
RAISED THE POINT THAT THE BEARING OF ARMS BY THESE  
PERSONS WOULD NOT ENHANCE THEIR SECURITY. SEMLER  
CONSIDERED THIS POINT AS SUBJECTIVE JUDGMENT. HE  
REMINDS JAMES AND LASSUS THAT ONE ISSUE HERE WAS THAT  
THOSE PERSONS INVOLVED IN A TERRORIST TRIAL IN BERLIN  
DO NOT FEEL THEY RECEIVE THE SAME PROTECTION THAT THEY  
WOULD IF THE TRIAL WERE TAKING PLACE IN THE FRG. IF  
IN THE FRG, THE AUTHORITIES FEEL THAT THE BEARING OF  
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PAGE 02 USBERL 01489 02 OF 02 221422Z

ARMS ENHANCES THE SECURITY OF PERSONS WHO COULD BE SUBJECTED TO THE DESTINY OF SCHLEYER OR MORO, THEN THE ALLIES HERE SHOULD EXAMINE CAREFULLY WHY THEY DISAGREED WITH THE CONCLUSION OF THE FRG EXPERTS.

6. JAMES SAID THE BRITISH POSITION COULD BE DESCRIBED AS FOLLOWS. THE BRITISH HAD AN OPEN MIND ON THE QUESTION ALTHOUGH JAMES PERSONALLY WAS OPPOSED. LONDON WANTED TO KNOW SPECIFICALLY WHETHER PROSECUTORS, JUDGES, AND COURT-APPOINTED COUNSEL COULD BE PERMITTED TO BEAR ARMS WITHOUT NECESSITATING EXTENSIVE CHANGES IN BERLIN LEGISLATION. HE HAD NOT HOWEVER PERSONALLY EXAMINED THE RELEVANT LAWS (WHICH WE ARE DOING ON THE U.S. SIDE).

7. LASSUS RECOMMENDED THAT A LARGE ALLIED MEETING BE HELD ONCE AGAIN TO REVIEW THE ENTIRE QUESTION. SEMLER DID NOT DISAGREE TO THIS SUGGESTION, BUT PERSONALLY DOUBTED WHETHER ANYTHING NEW COULD EMERGE FROM SUCH A MEETING.

8. CONCLUSION. ABOVE DISCUSSION IS REPORTED IN SOME DETAIL TO PROVIDE THE FLAVOR OF THE CIRCULAR ARGUMENTATION ABOUT THIS QUESTION WHICH HAS KEPT US HERE FROM REACHING ANY DECISION. EACH POINT MADE FOR OR AGAINST HAS BEEN MADE DOZENS OF TIMES BEFORE. WE ALL KNOW THAT DIFFERENT GERMANS HOLD DIFFERENT VIEWS ON THIS SUBJECT AND THAT SOME ARE QUITE PREPARED TO SAY THAT PERMITTING THESE INDIVIDUALS TO BEAR ARMS WOULD ENDANGER, NOT ENHANCE, THEIR SECURITY. WE CONTINUE TO BELIEVE THAT THE PROPER OUTCOME WOULD BE TO ALLOW THOSE PERSONS WHOM WE DEEM TO BE UNDER PARTICULAR THREAT IN BERLIN TO HAVE THE OPTION OF ACQUIRING A FIREARM AND TRAINING THEMSELVES IN ITS USE. WE WOULD EXPECT THAT A NUMBER OF THE 20-ODD PERSONS INVOLVED WOULD NOT

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PAGE 03 USBERL 01489 02 OF 02 221422Z

WISH TO DO SO BUT THAT THOSE WHO DID WISH TO BEAR ARMS WOULD ALSO BE PREPARED TO BE TRAINED IN THEIR USE. WE PLAN TO STUDY THE LEGAL BASIS OF SUCH ACTION AGAIN AND WILL REPORT FURTHER. WITH RESPECT TO ELICITING A DEFINITIVE BERLIN POSITION ON THE SUBJECT, WE CANNOT DO SO AT THIS MOMENT GIVEN BRITISH OPPOSITION. AT SOME TIME IN THE NOT TOO DISTANT FUTURE HOWEVER WE BELIEVE THAT A FORMAL COMMUNICATION FROM GOVERNING MAYOR STOBBE WILL BE REQUIRED TO ANSWER THE FRENCH POINT THAT HE HAS NOT SPOKEN UP CLEARLY ON THE SUBJECT.

9. SEPTEL FOLLOWS ON THE RELATED SUBJECT OF ARMING OF BODY GUARDS (BONN 5702). GEORGE

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## Message Attributes

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